

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 27, 2004. At the time of the Office Action, Claims 1-27 were pending in this Application. Claims 1-27 were rejected. Claims 1, 4, 12, 13 and 23 have been amended to further define various features of Applicant's invention. Claim 14 has been canceled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1, 3-5, 7-11, 13-18, and 20-21 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,304,895 issued to Walter J. Schneider et al. ("Schnieder"). Applicant respectfully traverses and submits that Claims 1, 3-5, 7-11, 13, 15-18, and 20-21, as amended, are patentable over Schnieder.

Schneider discloses a "method and system for remotely accessing and controlling at least one of a target switch and a target computer using a target controller." (Abstract)

Applicants' Claim 1, as amended, recites various elements including, among others, a "wireless transceiver operably coupled to the processor and the memory; the transceiver operable to transmit information to and receive information using a radio frequency in the range of 800 MHz to 2.4 GHz from a communications network."

Applicants' Claim 13, as amended, recites various elements including, among others, a "transceiver operable to transmit information to and receive information from a network using a radio frequency, wherein the radio frequency comprises a frequency selected from a group consisting of 800 MHz band, 900 MHz band, 1.9 GHz band, 2.4 GHz band, infra-red and laser."

Applicants' Claim 23, as amended, recites various elements including, among others, "a wireless LAN transceiver operably coupled to the processor and the memory; the LAN transceiver operable to communicate with at least one remote intelligent management and control transceiver using a radio frequency," and "at least one environmental sensor operable to monitor one or more environmental characteristics of the computing component wherein the one or more environmental characteristic includes temperature."

Schnieder cannot anticipate Applicants' Claim 1 or 13, because Schnieder does not teach, suggest or disclose all of the elements recited by Claims 1 or 13, as amended. For example, Schnieder fails to teach, disclose or suggest a "wireless transceiver operably coupled to the processor and the memory; the transceiver operable to transmit information to and receive information *using a radio frequency in the range of 800 MHz to 2.4 GHz* from a communications network," as recited by amended Claim 1. (emphasis added) Additionally, Schnieder fails to teach, disclose or suggest a "transceiver operable to transmit information to and receive information from a network using a radio frequency, wherein the *radio frequency comprises a frequency selected from a group consisting of 800 MHz band, 900 MHz band, 1.9 GHz band, 2.4 GHz band, infra-red and laser*," as recited by amended Claim 13. (emphasis added) Because Schnieder fails to teach, disclose or suggest all of the elements of Applicants' Claims 1 or 13, Applicants respectfully assert that Schnieder does not anticipate Claims 1 or 13. Therefore, Applicants traverse and submit that Claims 1 and 13 are patentable over Schnieder.

Claims 3-5 and 7-11 directly or indirectly, depend from and provide further patentable limitations to independent Claim 1. Claims 15-18, and 20-21, directly or indirectly, depend from and provide further patentable limitations to independent Claim 13. Because Claims 1 and 13 are deemed allowable, Claims 3-5, 7-11, 15-18, and 20-21 are allowable. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejections and allow Claims 1, 3-5, 7-11, 13, 15-18, and 20-21, as amended.

Rejections under 35 U.S.C. §103

Claims 2, 6, 12, 19, and 22-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schneider in view of U.S. Patent 6,714,977 issued to John J. Fowler et al. ("Fowler"). Applicant respectfully traverses and submits that Claims 2, 6, 12, 19, and 22-27, as amended, are patentable over Schneider in view of Fowler.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Fowler discloses a system and method "for monitoring a space, and in particular, an enclosure, and its contents over a network." (Abstract)

Applicants' Claim 23, as amended, recites various elements including, among others, "a wireless LAN transceiver operably coupled to the processor and the memory; the LAN transceiver operable to communicate with at least one remote intelligent management and control transceiver using a radio frequency," and "at least one environmental sensor operable to monitor one or more environmental characteristics of the computing component wherein the one or more environmental characteristic includes temperature."

Neither Schnieder nor Fowler make obvious Claim 23 of Applicants' invention because there is no teaching or suggestion to make the claimed combination of Schnieder and Fowler. And, there is no reasonable expectation of success found in the prior art. For instance, even if Schnieder and Fowler were to be combined, the combination would not disclose or suggest "a wireless LAN transceiver operably coupled to the processor and the memory; the LAN transceiver operable to communicate with at least one remote intelligent management and control transceiver *using a radio frequency*," and "at least one environmental sensor operable to monitor one or more environmental characteristics of the computing component *wherein the one or more environmental characteristic includes temperature*" as recited by amended Claim 23. (emphasis added) Therefore, Applicant submits that neither Schnieder or Fowler alone or in combination suggest Applicants' disclosure. As such, Applicants request reconsideration and withdrawal of the rejections and allowance of Claim 23, as amended.

Claims 2, 6 and 12 depend from and provide further patentable limitations to independent Claim 1. Claims 19 and 22 from and provide further patentable limitations to

independent Claim 13. Claims 24-27 depend from and provide further patentable limitations to independent Claim 23. Because amended Claims 1, 13 and 23 is deemed allowable, Claims 2, 6, 19, 22 and 24-27 are allowable. Therefore, Applicants respectfully request the Examiner to reexamine, reconsider, withdraw the rejection to and allow Claims 2, 6, 12, 19, and 22-27, as amended.

Information Disclosure Statement

Applicant would like to bring to the Examiner's attention that Applicants filed an Information Disclosure Statement on January 11, 2002 and September 23, 2002. Applicant respectfully requests that these Information Disclosure Statements be considered and cited in the examination of the above-referenced application. Applicant attaches a copy of these Information Disclosure Statements and PTO Form 1449's for the Examiner's convenience and a copy of the postcard receipt evidencing receipt by the Patent Office.

Applicant would like to bring to the Examiner's attention that the Examiner made no indication that Reference "A" submitted with Information Disclosure Statement and PTO Form 1449 filed on September 25, 2001 had been considered in the Office Action mailed September 27, 2004. Applicant respectfully requests confirmation of the consideration of Reference "A". Applicant attaches a copy of the PTO Form 1449 that was attached to the Office Action mailed September 27, 2004 and respectfully requests that the Examiner place his initials next to Reference "A" if citation is to be considered or draw a line through the citation if the citation is not to be considered.

Applicant also encloses an new Information Disclosure Statement and PTO Form 1449, with a copy of the reference and a check in the amount of \$180.00, for the Examiner's review and consideration.

Change of Correspondence Address

Applicant respectfully requests that all papers pertaining to the above-captioned patent application be directed to Customer No. 31625 and all telephone calls should be directed to Patrick J. Porter at 512.322.2690. Applicant also encloses a Change of Correspondence Address for the U.S. Patent and Trademark Office records.

Petition for Extension of Time Request

Applicant encloses a Petition for a Three-Month Extension of Time Request, along with a check in the amount of \$510.00 (small entity) for the required filing fee.

CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of Claims 1 - 13 and 15-27, as amended.

Applicant believes there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2690.

Respectfully submitted,
BAKER BOTTs L.L.P.
Attorney for Applicant



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Reg. No. 45,658

SEND CORRESPONDENCE TO:

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Date: March 9, 2005